IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.C.J.

NOTICE OF MOTION NO. 3014 OF 2003

IN

SUIT NO. 3802 OF 2001

John Joseph Anthony Alphonso .....**Plffs.**
vs.
Mr./ Nitin K. Gandhi and ors. .....**Defnds.**

Bipin Joshi for the plffs.

M.K. Nesari for the defnds.

CORAM: S.U. KAMDAR, J.

DATE : 30th September, 2005.

P.C. :.

1. The present notice of motion has been taken out for discharging the defendant from the undertaking which has been given under the consent decree dated 6.11.2001. Learned counsel appearing for the defendant states that in view of the fact that the society has initiated certain proceedings in the city Civil court at Mumbai, they are not able to comply with for the undertaking which has

ben given in the consent decree dated 6.11.2001. He further states that he is desirous to compromise the said suit with the society and the plaintiff is obstructing the same. Learned counsel appearing for the plaintifff further makes a statement that he will not come in the way of entering into consent terms with the society subject to defendant furnishing the copy of the consent terms and that he will not affect the plaintiffs rights under the present consent decree dated 6.11.2001. In that view of the statement nothing survives in the motion. Motion disposed off accordingly. No order as to costs.

sd/-

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